

REMARKS

The office action of July 19, 2007 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claim 33 has been canceled. Claims 1-8, 15 and 22-32, and 34-46 remain in this application.

Rejections Under 35 U.S.C. § 112

Claims 1, 2, 15, 22, 29 and 30 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to define the invention in the manner required. Applicants respectfully traverse this rejection.

Applicants have amended claims 1, 2, 15, 22, 29, and 30 so as to present the claims in preferred form. Applicants submit that the corresponding rejections have been obviated upon entry of the present paper.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 15, 22, 29, 40, 43 and 46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Perkins et al. (Non-Patent Literature/IEEE International Symposium) ("Perkins"). Applicants respectfully traverse this rejection.

Claims 29 have been canceled, thus rendering the corresponding rejection moot upon entry of the present paper.

Amended independent claim 2 recites:

"A mobile terminal configured to receive a first message from a first base station and a second message from a second base station . . . wherein said IP-in-IP encapsulation is applied to said first message toward said second base station, and *wherein said second base station transmits a content included in the first message with said IP-in-IP encapsulation received from said first base station to said mobile terminal as said second message . . .*"

The office action at page 3 analogizes the foreign agents (FAs) disclosed in Perkins to the base stations recited in claim 2. Applicants submit that Perkins fails to teach or suggest the

recited features. In fact, Perkins teaches away from the recited features. More specifically, Perkins at page 341, section 2 describes a process referred to as smooth handoff wherein a mobile host (MH) requests a new FA to send a Previous Foreign Agent Notification message to a previous FA, which has the effect of the previous FA re-tunneling any packets for the MH to its new care-of address. Perkins at pages 342-343, section 4.2 further demonstrates a duplicate elimination mechanism, wherein when an MH receives an IP datagram, it buffers a pair of source address and identification of the datagram. When an MH requests a smooth handoff, it includes these buffered pairs in the registration request, to be forwarded in the previous FA notification; the previous FA then uses these pairs to drop those buffered packets that have been received by the MH. Perkins at pages 342-343, section 4.2. Thus, Perkins fails to teach or suggest the recited features identified above. Instead, Perkins is committed to eliminating the transmission of duplicate packets from multiple FAs (e.g., base stations). As one of ordinary skill in the art would appreciate, the features noted above as recited in claim 2 improve the reliability of the mobile terminal receiving the content included in the first and second messages. Thus, the above noted features represent a non-trivial improvement over Perkins. Accordingly, claim 2 is patentably distinguishable over Perkins for at least the foregoing reasons.

Independent claims 1, 15, 22, and 29 recite features similar to those described above in conjunction with claim 2. Claims 1, 15, 22, and 29 are allowable for substantially the same reasons as discussed above with respect to claim 2.

Dependent claims 40 and 43, which each depend from at least one of claims 2 and 15, are allowable for at least the same reasons as their respective base claims.

Dependent claim 46 depends from claim 30. As will be discussed below with respect to the 35 U.S.C. § 103(a) rejections, claim 30 is allowable over the applied references. Thus, claim 46 is also allowable over the applied references (including Perkins) for at least the same reasons that claim 30 is allowable.

Rejections Under 35 U.S.C. § 103

Claims 3, 4, 6-8, 23-28, 30, 31, 33-38, 41, 44 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Perkins in view of U.S. Patent No. 6,452,920 to Comstock

("Comstock") and Woo et al. (Non-Patent Literature/ IEEE International Conference) ("Woo"). Applicants respectfully traverse this rejection.

Claim 33 has been canceled, thus rendering the corresponding rejection moot.

Independent claims 3, 23, and 30 recite features similar to those described above with respect to claim 2. Thus, claims 3, 23, and 30 are allowable over Perkins for substantially the same reasons as discussed above with respect to claim 2, because, notwithstanding whether the combination is proper, Comstock and Woo fail to cure the above noted deficiencies of Perkins.

Dependent claims 4, 6-8, 24-28, 31, 34-38, 41, 44, and 45, which each depend from at least one of claims 3, 15, 23, and 30, are allowable for at least the same reasons as their respective base claims.

Claims 5 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Perkins in view of Comstock and Woo, and further in view of U.S. patent application publication no. 2002/0057657 to La Porta et al. ("La Porta"). Applicants traverse.

Notwithstanding whether any combination of La Porta, Perkins, Comstock, and Woo is proper, La Porta fails to cure the above noted deficiencies of Perkins, Comstock and Woo with respect to claims 3 and 30. More specifically, La Porta at paragraph [0091] describes a scheme wherein wireless devices concurrently tune to both new and old base stations prior to and during mobile device handoff, such as a CDMA or wideband CDMA network. The referenced disclosure, however, does not provide an indication as to the nature of packet delivery itself via a combination of IP network technology and wireless systems capable of achieving such concurrent tuning. Claims 5 and 32 each depend from one of claims 3 and 30. Applicants respectfully submit that the Examiner has impermissibly applied hindsight to read the features recited in claims 5 and 32 (in view of claims 3 and 30 from which they depend) into La Porta. Applicants submit that it is on the basis of this impermissible hindsight that the Examiner has determined that the combination of references would have been obvious. Thus, claims 5 and 32 are allowable over the applied references for at least the same reasons discussed above with respect to claims 3 and 30.

Claims 41, 44, and 45¹ stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Perkins in view of Comstock and Woo, and further in view of “A Quality of Service Measure In Mobile Computing” to Seal et al. (“Seal”). Applicants traverse.

Notwithstanding whether any combination of Seal, Perkins, Comstock, and Woo is proper, Seal fails to cure the above noted deficiencies of Perkins, Comstock and Woo with respect to claims 3, 15, and 23. Claims 41, 44, and 45 each depend from one of claims 3, 15, and 23. Thus, claims 41, 44, and 45 are allowable over the applied references for at least the same reasons discussed above with respect to claims 3, 15, and 23.

Furthermore, the Office Action at pages 9-10 asserts that Seal at pages 58-59 discloses coding and decoding in communicating packet data, wherein headers can obtain optional fields that include a PCR field, which is used for timing in the transport of packet data. Applicants note that the PCR field is used primarily for decoding a video stream to facilitate proper timing at the destination system, and not for a timing management for a transport system. As such, Applicants submit that the Examiner has impermissibly applied hindsight to read the inventive features discussed in claims 41, 44, and 45 into Seal. Claims 41, 44, and 45 are allowable for at least these additional reasons.

¹ Applicants note that the Office Action at page 4 rejects claims 41, 44, and 45 under 35 U.S.C. § 103(a) based on Perkins, Comstock and Woo. At page 9, the Office Action adds the Seal reference as a basis for rejection of the referenced claims. Applicants have responded herein as if both sets of rejections were applicable. Applicants respectfully request clarification in the next communication.

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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